

## **APPEALS**

### **Frequently Asked Questions**

#### **What is an Appeal?**

An appeal is a request to a higher court to review a decision made by a lower court. An appeal is not a retrial or rehearing and new evidence cannot be introduced. The reviewing court can only determine if the lower court erred in rendering its decision.

Small Claims appeals are the exception. These appeals are scheduled for a new trial.

#### **Who Can File an Appeal?**

In a Small Claims case, the defendant may file an appeal or the plaintiff may file an appeal on a defendant's claim.

In a limited or unlimited civil case, including domestic, probate and mental health, any party may file an appeal.

In an infractions, misdemeanor or felony case, the defendant may file an appeal. In certain circumstances, the People of the State of California may file an appeal.

A death penalty conviction is appealed automatically.

In a juvenile dependency or delinquency case, any party may file an appeal.

A party may represent him/her self (pro per) or select to be represented by an attorney. The party filing an appeal is called the Appellant. The party against whom an appeal is filed is called the Respondent.

#### **When to File an Appeal?**

Small Claims and Limited Civil appeals are filed within 30 days from the date of mailing of the *Notice of Entry of Judgment*.

Unlimited Civil appeals are filed within 60 days from the date of mailing of the *Notice of Entry of Judgment* or if the notice is not mailed, 180 days from the date of entry of judgment.

Infractions and Misdemeanor appeals are filed within 30 days after the order or judgment.

Felony appeals are filed within 60 days from judgment.

Juvenile appeals are filed within 60 days after an appealable order or 60 days after the order becomes final under CRC 1417(c).

All days are calendar days unless otherwise specified as court days.

#### **What is the Filing Fee?**

No filing fee is charged for infraction, misdemeanor or juvenile appeals. Check the current *Schedule of*

*Fees for other appeals fees.*

## **How to Appeal**

Notify the court in writing by filing a *Notice of Appeal*. Submit appropriate filing fees. If the party is indigent (in forma pauperis), an *Application for Waiver of Court Fees* and *Order for Waiver* may be filed.

Documents may be filed on pleading paper or approved form, if available. Contact business offices for availability of forms and/or instructions.

## **Who Hears an Appeal?**

Small Claims	Superior Court Judge
Limited Civil, Infractions and Misdemeanor	Superior Court Appellate Division
Juvenile Dependency and Delinquency	Second District Court of Appeal
Unlimited Civil and Felony	Second District Court of Appeal
Death Penalty	California State Supreme Court